

**UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re:*

*Applicant:* SUGG

*Serial No.:* 09/980,991

*For:* PIEZOELECTRIC ELEMENT  
WITH A MULTILAYER...

**LETTER**

February 27, 2003

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

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Sir:

FEB 28 2003

TECHNOLOGY CENTER 2800

This communication is responsive to the Office Action of December  
31, 2002.

In the Office Action the Examiner indicated that the application  
contained claims drawn to different inventions, namely to a laminated piezo  
electric element, and to a method for producing a piezo electric element.

With the present communication applicants have elected for further

prosecution the invention drawn to a laminated piezo electric element.

Claims 9-15 are readable on the elected invention. Therefore, it is respectfully requested to prosecute these claims.

At the same time, the Examiner's election requirement is respectfully traversed for the following reasons:

The present application is a U.S. national phase application which is based on the previous PCT application. In accordance with Rule 13 of the PCT regulations, a single application can contain several inventions, namely a product and a method for producing a product, as long as there is a common inventive idea. In the present application claim 9 dealing with a laminate piezo electric element and claim 16 dealing with a method for producing a piezo electric element do have a common inventive idea.


At the same time, in the decision of *Caterpillar Tractor Co. v. Commissioner of Patents and Trademarks*, as reported in 231 USPQ 590, it was stated that the prosecution of U.S. patent applications based on the previous PCT applications must follow the PCT Rules.

It is therefore respectfully requested to maintain in this application claims related to both inventions, and to prosecute further all currently pending claims.

Consideration for the present application on the merits and its allowance is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

  
Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233

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